



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

BOSTON REGIONAL OFFICE
10 Causeway Street, Suite 472
Boston, Massachusetts 02222
TEL: (617) 565-5100 - FAX: (617) 565-6262

July 10, 2013

William B. Matthews
183 Common Street
Watertown, MA 02472

Re: FLRA-2013-000090

Dear Mr. Matthews;

This is in reply to your July 1, 2013 letter in which you requested certain information under the Freedom of Information Act (the FOIA), 5 U.S.C. Section 552. You requested copies of all signed affidavits in the file for Case No. BN-CA-13-0133.

Your request for the documents has been granted. A copy of your signed affidavit, dated March 18, 2013, is enclosed.

There are no charges associated with your request.¹

I am responsible for the above FOIA determination. In accordance with Section 2411.7 of the FLRA's regulations, 5 C.F.R. Section 2411.7, you may obtain review of this determination by filing a written appeal with the General Counsel of the FLRA within 30 days after you receive notification of the denial of your FOIA request. Please send your appeal to the Freedom of Information Act Officer, FLRA, OGC, 1400 K Street, 2nd Floor, Washington, DC 20424-0001.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip T. Roberts", is written over the typed name.

Philip T. Roberts
Regional Director

cc: OGC

¹ 5 C.F.R. Section 2411.10.

FEDERAL LABOR RELATIONS AUTHORITY - BOSTON REGION**Case No. BN-CA-13-0133**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
BOSTON, MASSACHUSETTS

- Charged Party

And

WILLIAM MATTHEWS

- Charging Party

WITNESS STATEMENT

I, **William Matthews**, in cooperation with an official investigation being conducted pursuant to the Federal Service Labor-Management Relations Statute by affirmation do hereby make the following voluntary statement. I have been assured by an agent of the Federal Labor Relations Authority that this statement will be considered confidential by the United States Government and will not be disclosed as long as the case is open unless it becomes necessary to produce the statement if I testify at a formal hearing. Upon the closing of the case, the statement may be subject to disclosure in accordance with the Freedom of Information Act, as amended.

Address: HUD, Room 301
Boston, MA 02222

Telephone: (617) 994-8213

- 1 I am employed by the Department of Housing and Urban Development, Boston,
- 2 Massachusetts (Agency) as a Senior Management Analyst. I work on the third floor of the
- 3 Thomas P. O'Neill Federal Building in Boston.

4

1 The American Federation of Government Employees, Local 3258 (Union) represents a
2 bargaining unit of Agency employees. I am a member of the Union's bargaining unit and I have
3 been a dues-paying member of the Union since September 2003. I have never served as a
4 Union representative.

5
6 Barbara Fields is the Agency's Regional Administrator.

7
8 Guillermo Bahamon is an Agency employee who works on the same floor that I work on.
9 I am friendly with Bahamon. Bahamon and I share the same work-place printer and copier.

10
11 Juan Evereteze is an Agency employee who also works on the same floor that I work on.
12 Evereteze is the president of the Union.

13
14 As the representative for the charging party, I will provide the lead and clarifying
15 affidavit. In this charge, I allege that the Agency violated Section 7116(a)(3) of the Federal
16 Service Labor-Management Relations Statute (Statute) through Fields assisting the Union in
17 conducting its business. In particular, Fields failed to respond to my October 15, 2012, request
18 that she 1) direct Evereteze to withdraw a May 3, 2012, allegation from Evereteze that I
19 threatened him, 2) take appropriate action against Evereteze for filing a knowingly false

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1 accusation against me, 3) formally rescind a May 7, 2012, revocation of my employee security
2 badge related to Evereteze's complaint, and 4) ensure that Evereteze took no further
3 unwarranted action against me. This is all that this charge is intended to allege.

4
5 Prior to February 2012, my interaction with the Union was at times positive and at times
6 negative.

7
8 In February 2008, I filed a grievance regarding the Agency's failure to post a job vacancy.
9 Evereteze served as my representative during the first two steps of the grievance process. I
10 was dissatisfied with Evereteze's level of representation. The Union vice president, Carolyn
11 Federoff, took over my representation. The grievance continued for four years. I regularly
12 interacted with Federoff and to a lesser extent with Evereteze- during which time the Union's
13 representation of me was satisfactory. The Union elected to take the grievance forward to an
14 arbitration that took place in September 2011. The parties were awaiting a decision, I filed
15 another Union grievance and represented myself. The Agency agreed to settle both grievances
16 in my favor. The matter was settled in February 2012.

17
18 On February 2, 2012, I was leading a delegation of Massachusetts state housing officials
19 into the Agency office on floor three of the O'Neill building. A HUD employee, Sheila Galicki,

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1 opened the door and scolded me by saying don't bring people in here. Union representative
2 Bart Goldberg approached my first-level supervisor Kristina Foye and reported that I slammed
3 the door on Galicki. Foye subsequently approached me to convey what Goldberg had told her.

4
5 On February 17, 2012, I e-mailed Goldberg regarding his contact with Foye. I inquired if
6 he was speaking as a supervisor or a Union representative. Goldberg called me and directed
7 me to speak with Evereteze.

8
9 On February 21, 2012, I e-mailed Goldberg and Evereteze a memorandum recounting
10 my interaction with Galicki and Goldberg's presentation to Foye. I reviewed why Galicki's
11 allegation was false. I requested that the Union issue a written retraction of Goldberg's
12 assertion to Foye in business days. Goldberg did not respond to my memorandum. I believe his
13 non-response was at the direction of Evereteze.

14
15 Around February 27, 2012, I submitted an administrative complaint to Goldberg and
16 Galicki's supervisor regarding their behavior. Their supervisor acknowledged, but did not
17 respond to the complaint.

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1 On February 29, 2012, I met with Fields. At the outset of the meeting, Fields requested
2 that I tell her about the incident with Galicki. She asked that I provide her any information I had
3 about the matter. Later on that day, I e-mailed Fields the information I had in connection to
4 the matter.

5
6 On February 29, 2012, I e-mailed Evereteze regarding the Galicki matter. I explained
7 why Galicki's complaint had no merit and that I was concerned that the matter had reached the
8 attention of Fields. I requested that the Union direct Goldberg to issue a retraction, or issue a
9 retraction itself. I indicated that if the Union failed to take this action, I would file a misconduct
10 complaint against the Union with AFGE national, and that I would file a claim against the Union
11 in state small-claims court for breach of contract.

12
13 The Union did not respond to my February 29, 2012, e-mail.

14
15 On March 7, 2012, I provided the Union with a written breach-of-contract complaint
16 seeking monetary damages. I informed the Union that if it did not provide me the requested
17 damages, I would file a claim in state small-claims court.

1 Later on March 7, 2012, Evereteze e-mailed me in response. He indicated that that the
2 Union was willing to discuss my complaint, but that if the matter was beyond discussion, then I
3 needed to do what I thought was best for myself. About 30 minutes after I received the e-mail,
4 I headed for lunch. I passed by Evereteze as he was speaking with Bob Yablonskie, a HUD
5 employee. Evereteze saw me and asked if I was coming to see him. I responded that I was not
6 and kept walking.

7
8 On March 16, 2012, I e-mailed Federoff and informed her, in relevant part, that my
9 primary concern with my recent complaints was to ensure that Goldberg's statement was
10 retracted as compared to any financial consideration.

11
12 On March 19, 2012, I emailed Evereteze and Federoff to inform the Union that I was
13 considering filing a ULP charge against the Union. The Union did not respond my e-mail.

14
15 On April 2, 2012, I emailed Federoff and requested that she add an item to the agenda
16 for the next Union meeting. The item that I requested was the initiation of impeachment
17 proceedings for Evereteze as Union president.

1 Around this time, I met with Federoff and she requested that Evereteze and I meet with
2 a mediator to attempt to resolve my issues with the Union. I agreed to do so. I subsequently
3 prepared an outline of my issues with Evereteze and Goldberg. I provided this outline to
4 Evereteze and Federoff.

5
6 On May 1, 2012, I met with Evereteze and a mediator from FMCS. I provided the
7 mediator with a copy of my outline at that time. Shortly after the start of the mediation,
8 Evereteze became agitated and the mediator asked that he leave the room. I presented my
9 issues to the mediator. The mediation did not produce any resolution to my dispute with
10 Evereteze.

11
12 May 2, 2012, I submitted a complaint via e-mail to HUD's Office of Inspector General
13 hotline. In the complaint, I alleged that Evereteze may be misusing his Union official time
14 because he does not appear to maintain consistent Union office hours even though he is on
15 100% official time.

16
17 On May 2, 2012, I hand-delivered a memorandum to the Union office with a copy to
18 Federoff and AFGE national president John Gage. I indicated that I would be taking the
19 following actions: filing a removal for cause petition against Evereteze to AFGE national; filing a

1 ULP charge; and filing a breach of contract claim in state court. I also indicated with the OIG
2 hotline regarding Evereteze's use of official time. I stated my position as to why Evereteze was
3 deficient in the performance of his Union duties.

4
5 On May 4, 2012, I forwarded a copy of my OIG hotline complaint to Fields.

6
7 On May 7, 2012, Fields e-mailed me and asked me to meet with her and to bring my
8 Union representative. I subsequently attended a meeting with Fields in her office, but did not
9 bring a Union representative because I could not find one. When I entered her office, Fields
10 was present in addition to an attorney from HUD's Office of Regional Counsel, Jack Brandwein.
11 Fields was reading from a computer tablet, i.e. an I-PAD. She stated that she received an e-mail
12 from Juan Evereteze that I threatened him and I needed to turn over my employee
13 identification. I asked "Threatened him?". Fields referred to her tablet and said that I had
14 yelled at Evereteze that I was out to get him. Fields indicated that there was going to be an
15 investigation. I stood up to retrieve my identification. I asked her if I could ask questions. I
16 asked who is conducting the investigation. Brandwein stated that it has not been determined
17 yet. Does this mean I have go through the public entrance? Brandwein answered yes. I
18 provided Fields with my identification and left. As I left, I heard Fields say to Brandwein, "Well,
19 that wasn't too bad."

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1 On May 8, 2012, I filed a complaint with Fields alleging that Evereteze harassed me
2 through his abusive behavior at the May 1, 2012, mediation.
3

4 Over the next few days, Fields and I exchanged e-mails regarding the revocation of my
5 badge and Evereteze's complaint. I objected about the lack of the Agency's due process. Fields
6 indicated that she was going to conduct the investigation. I responded that I did not believe she
7 was impartial and requested that an independent party conduct the investigation. She
8 responded that she had requested an investigator from HUD's Washington, D.C. headquarters.
9 She asked that I refrain from sending her additional e-mails on the topic.
10

11 On May 8, 2012, I e-mailed Fields and requested that she provide me a copy of
12 Evereteze's complaint. She did not respond.
13

14 On May 9, 2012, I filed a FOIA request with Foye who is the Agency's FOIA officer. I
15 requested a copy of Evereteze's complaint to Fields.
16

17 On May 10, 2012, I was working from home. Around 3 pm, I received a voicemail from
18 Foye. Foye informed me that the Agency was putting me on paid administrative leave because
19 the Agency had received another complaint against me. I e-mailed Foye and asked when I

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1 could come back to work. She responded via e-mail that it should be okay for me to return to
2 work after a week of pre-scheduled annual leave.

3
4 On May 10, 2012, I e-mailed Fields a request that she recuse herself from the
5 investigation of Evereteze's complaint that I was overly aggressive in the manner that I
6 communicated with him. I requested that Fields appoint an independent person to review
7 Evereteze's complaint to determine if there is probable cause to open an investigation.

8
9 On May 21, 2012, I received an e-mail from Foye indicating that I could return to work. I
10 returned to work on May 22, 2012.

11
12 On May 22, 2012, I filed a grievance through the Union-Agency contractual grievance
13 procedure. The grievance generally alleged that Fields failed to treat Evereteze and I in a
14 consistent manner where only I had my employee badge revoked, yet both Evereteze and I had
15 harassment complaints filed against each one of us by the other.

16
17 On May 25, 2012, I filed a grievance through the Union-Agency contractual grievance
18 procedure. The grievance alleged that Fields violated the CBA by taking punitive action against

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1 me when she revoked my security badge instead of taking action against Galicki and Goldberg
2 for making false statements.

3
4 On June 1, 2012, I participated in an investigative hearing conducted by Agency
5 representative James Keyes. The Agency appointed Keyes to investigate the harassment
6 complaints that Evereteze and I filed against each other. Fields requested that Keyes handle
7 the investigation of the complaints after I raised my concerns to her that she could not be
8 impartial during the investigation. During the meeting with Keyes, Keyes informed me that
9 Evereteze had alleged that I was stalking him in a parking garage, but he did not provide the
10 time and date of the occurrence.

11
12 On June 5, 2012, the Federal Protective Service contacted me and informed me that
13 they were investigating a complaint that Evereteze filed alleging that I stalked him on May 9,
14 2012, in the TD Garden parking lot located next to the O'Neill Federal Building. When the
15 Federal Protective Service informed me of the details of their investigation of Evereteze's
16 complaint I came to the conclusion that Evereteze's complaint is what led to the Agency placing
17 me on paid administrative leave on May 10, 2012.

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1 On June 5, 2012, I provided Keyes a memorandum providing my rebuttal to Evereteze's
2 allegations that I harassed him. On that same day, I also provided Keyes with a memorandum
3 alleging that Evereteze and Goldberg provided Keyes with false testimony during Keyes
4 investigation.

5
6 In addition to the June 5 memoranda, I also provided Keyes with a signed affidavit on
7 June 22, 2013, addressing his questions to me about Evereteze's complaints.

8
9 On June 14, 2012, I filed a grievance through the Union-Agency contractual grievance
10 procedure. The grievance alleged that the Agency violated the contract by placing me on paid
11 administrative leave on May 10, 2012, in response to a complaint filed by Evereteze that I was
12 stalking him in the TD Garden underground parking garage next to the O'Neill Federal Building.

13
14 On July 6, 2012, Fields called me into her office and informed me that she was returning
15 my employee badge to me. She did not discuss the events that led to the confiscation of my
16 badge. She stated that she hoped we could put this behind us and move forward. I replied that
17 I would be happy to move forward if she would direct Evereteze and Goldberg to retract their
18 false claims against me. She replied that she was not sure she could do that and even if she

1 could, it would not matter because the Agency's management needs to work with the Union.
2 She stated that I was a valuable member of the team and ended the meeting.
3

4 On or about August 7, 2012, I discovered multiple copies of two documents next to the
5 copier that I share with Bahamon. One document was a memorandum from Bahamon to Fields
6 in which Bahamon made certain allegations about my conduct towards him. The other
7 document was a XEROX cover sheet with a title of "Microsoft Word -- JuanEverteze.doc" and
8 was dated 08/07/12 10:00 am. The cover sheet included a user identification number of
9 H10096 indicating the employee that sent the document to the copier.
10

11 Upon learning of Bahamon's complaint, I sent Fields a memorandum on August 14,
12 2012, objecting to the contents of Bahamon's allegations. Fields did not respond to my
13 memorandum.
14

15 On August 14, 2012, I filed a grievance through the Union-Agency contractual grievance
16 procedure. The grievance alleged that Fields was retaliating against me for filing previous
17 grievances by soliciting Bahamon's allegations against me. I also alleged that Fields, in
18 conjunction with Evereteze, was creating a hostile workplace for me.
19

1 On August 15, 2012, I received from the Agency certain documents that I had requested
2 via FOIA. In relevant part, the Agency provided me with a copy of a complaint that Evereteze
3 filed with Fields on May 3, 2012, alleging that I was harassing him. Additionally, the Agency
4 provided me with a copy of a complaint that Evereteze filed with Fields on May 10, 2012, in
5 which he alleged that I was stalking him in the TD Garden parking garage on May 9, 2012. I also
6 received a copy of an e-mail exchange between Foye and a redacted source. The initial e-mail
7 has a subject line that read: "RE: FOIA Request for E-mails and Documents". The e-mail was
8 sent to Foye on July 20, 2012, from the a redacted source stated that, from that point forward,
9 the redacted source would appreciate that any further correspondence or requests regarding
10 this matter be forwarded to AFGE's Chief General Counsel in Washington D.C. Foye responded
11 to the redacted source on July 20, 2012, and stated that nothing would be relased to me until it
12 went through an extensive review with the Agency's Regional Counsel.

13
14 On August 29, 2012, I contacted the Federal Protective Service to inform them that
15 Everetze, through his May 3, 2012, and May 10, 2012, complaints against me had made
16 knowingly false statements and had used a government e-mail system to do so. In my
17 correspondence, I provided evidence to rebut Evereteze's allegation. It is my understanding
18 that Evereteze has failed to provide evidence to support his original allegations.

1 On September 4, 2012, I was walking towards my work station when Bahamon
2 approached me and asked if he could talk to me. I responded that I had something to do at
3 that moment and kept walking. When I reached my cubicle I sat down in my chair. Bahamon
4 entered my workspace, leaned over, and whispered "I got roped into something I didn't want to
5 do." I excused myself, and left my work space at which point Bahamon said that we would talk.

6
7 Through a FOIA request, I obtained a copy of a September 4, 2012, e-mail from
8 Bahamon to Foye with a subject matter of "RE:FOIA Request – Bill Matthews". In relevant part,
9 the e-mail stated that Bahamon was attaching only one document of his conversation with
10 Fields and that he had not given that document to Fields yet.

11
12 On September 5, 2012, I contacted the Federal Protective Service to inform them of my
13 belief that Evereteze initiated Bahamon's August 7, 2012, complaint against me and that Fields
14 may be involved also.

15
16 On September 12, 2012, I provided Fields a memorandum describing my September 4th
17 interaction with Bahamon. I requested that whomever directed Bahamon to make a complaint
18 be identified and that the Agency direct that individual to cease and desist from this type of
19 conduct. Fields did not respond to this memorandum.

1
2 On October 15, 2012, I provided a memorandum to Fields in which I requested that
3 Fields direct Evereteze to withdraw his accusations against me, take appropriate action against
4 Evereteze for knowingly filing false accusations, formally rescind her revocation of my
5 employee badge, and ensure that Evereteze takes no further unwarranted action against me.
6 Fields did not respond to this memorandum.
7

8 In the fall of 2012, I came across a note that Bahamon provided to me several years ago
9 in which Bahamon invited me to stop by his house whenever I was in the neighborhood. On
10 December 7, 2012, I provided a copy of this note to Fields to explain that Bahamon's allegations
11 against me were false. I requested that she direct Bahamon to rescind his complaint. She did
12 not respond to me. On December 7, 2012, I also provided a copy of the note to Bahamon and
13 requested that he withdraw his complaint. He did not respond to me at that time.
14

15 On December 7, 2012, I filed with the Union a series of complaints against Evereteze,
16 Goldberg, and Bahamon. I requested that the Union conduct a disciplinary trial for each of the
17 three. In sum, I alleged that all three filed false allegations against me with the Agency.
18

1 On January 3, 2013, I encountered Bahamon and he stopped me and said something to
2 the effect that he was sorry if he offended me and that he got caught between two friendships.
3 He hugged me and said that he hoped everything was okay between us. I said it would be okay
4 so long as he withdrew his complaint. I said that he would not have to provide any explanation,
5 just a confirmation of the withdrawal. Later on January 3, 2013, Bahamon sent an e-mail to
6 Fields and I in which he withdrew his complaint against me.

7
8 I subsequently withdrew my December 7 request for a disciplinary hearing against
9 Bahamon.

10
11 On February 20, 2013, I arrived at work and found that I had a voicemail left on my work
12 phone number. The phone's voicemail system indicated that the message was left on February
13 19, 2013, at 6:11 pm. When I listened to the voicemail, a disguised voice exclaimed in a
14 threatening tone: "You should stop sending e-mails about Juan!". After hearing the voicemail, I
15 contacted Federal Protective Service to request that they investigate the voicemail.

16
17
18 I have read and have had an opportunity to correct the above statement consisting of
19 eighteen pages, including this signature page. On affirmation, I say to the best of my
20 knowledge or belief it is true.
21

1
2
3

William B Matthews
(AFFIANT'S SIGNATURE)

03.18.13
(DATE)